



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

November 28, 2018

By ECF

Honorable Edgardo Ramos
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Natural Resources Defense Council, Inc. v. United States Environmental
Protection Agency and Gina McCarthy*, 16 Civ. 1251 (ER)

Dear Judge Ramos:

This Office represents Defendants in the above-referenced matter. On August 30, 2018, Defendants filed a motion to modify the consent decree, specifically seeking a six-month extension (until April 30, 2019) of the October 31, 2018 deadline to sign for publication in the Federal Register a proposed maximum contaminant level goal (“MCLG”) and national primary drinking water regulation (“NPDWR”) for perchlorate. *See* Dkt. Nos. 42-45. NRDC subsequently sought discovery to determine “whether there has been a significant change in circumstances that warrants a modification of the Consent Decree.” Dkt. No. 46. Following discovery, NRDC submitted its response to Defendants’ motion and stated that “NRDC does not oppose EPA’s proposed modification.” Dkt. No. 55, at 3.¹

For the reasons set forth in Defendants’ motion, and because NRDC does not oppose the modification request, I write to respectfully request that the Court deem the motion fully submitted, grant Defendants’ request for a modification of the consent decree by extending the October 31, 2018 deadline to April 30, 2019, and terminate all pending motions.

¹ Although the October 31, 2018 deadline has now passed, pursuant to the Consent Decree, that deadline has been automatically extended to the earlier of (i) the resolution of the motion by this Court or (ii) ninety days following the original deadline.

Thank you for your consideration of this matter.

Respectfully submitted,

GEOFFREY S. BERMAN
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Southern District of New York

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